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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Iwao Matsuura

33219

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7590

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EXAMINER

NGUYEN, TU X

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 12/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/769,873

**Applicant(s)**

MATSUURA ET AL.

**Examiner**

Tu X Nguyen

**Art Unit**

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 5, 9-12 and 16-18, are rejected under 35 U.S.C. 102(e) as being anticipated by Motohashi (US Patent 6,263,449).

Regarding claims 1 and 16, Motohashi discloses a data communication (see col.1 lines 8-19) to a wireless communication apparatus for executing a data communication via a wireless line (see col.5 lines 4-9), comprising:

an information communicator which communicates with the wireless communication apparatus and receives operation condition information of the wireless communication apparatus ((see col.5 lines 4-9);

a clock generator (see 106, fig.1) which generates a clock; and

a clock controller (see 107, fig.1) for performing an clock control operation wherein the clock controller controls the clock generator in response to the operation condition information so that a multiplied frequency of the clock gives no disturbance to the operation of the wireless communication apparatus (see col.4 lines 34-42).

Regarding claim 5, Motohashi discloses the operation condition information (see col.5 lines 9-23) includes information of a wireless frequency (the demodulating radio

signals , see col.5 lines9-10, inherently extract IF signal from carrier frequency) used by the wireless communication apparatus.

Regarding claim 9, Motohashi does not mention data communication is being only detected in the middle of communication; therefore it is inherently that the information communicator receives information of the wireless frequency when data communication operation is commenced.

Regarding claim 10, Motohashi discloses the information communicator periodically receives information of the wireless frequency in a predetermined time interval (see col. 6 lines 30-42).

Regarding claims 11-12, Motohashi discloses the clock controller judges that a multiplied frequency of the clock coincide with the wireless frequency (see col.3 lines 48-64).

Regarding claim 17, Motohashi discloses the clock control apparatus judges that there is no disturbance reducing effect for the wireless communication apparatus even after the clock control operation has been carried out (see col.3 lines 20-31).

Regarding claim 18, Motohashi discloses the clock control apparatus notifies wireless frequency information which may be supposed to be disturbed by the clock to the wireless communication apparatus (see 203, fig.2).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 and 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Motohashi and further in view of Beale et al. (US Patent 5,790,615).

Regarding claim 2, Motohashi fails to disclose the clock controller performs at least one of a voltage control and a frequency control.

Beale et al. disclose the clock controller performs at least one of a voltage control and a frequency control (see col.11 lines 6-35). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Motohashi with the above teaching of Beale et al. in order to provide variable frequency signal.

Regarding claim 3, the modified Motohashi discloses the frequency is a frequency shift (see Motohashi, col.2 lines 40-50).

Regarding claim 4, the modified Motohashi discloses the frequency control is a frequency modulation (see Motohashi, col.5 lines 9-14).

Regarding claims 6 and 14, the modified Motohashi discloses reception field strength of the wireless communication apparatus (see Motohashi, col.5 lines 9-22).

5. Claims 7, 13 and 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Motohashi and further in view of Campana, Jr. (US Patent 6,198,783).

Regarding claims 7 and 13, Motohashi fails to disclose the operation condition includes a reception data error rate of the wireless communication apparatus.

Campara discloses the operation condition includes a reception data error rate of the wireless communication apparatus (see col.53 lines 10-27). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Motohashi with the above teaching of Campana in order to provide clock synchronization to correct data.

Regarding claim 15, the modified Motohashi discloses the clock control operation when the clock control means judges that a reception data error occurs in the wireless communication apparatus based upon the reception data error rate (see Campana, col.52 line 55 through col.53 line 27).

6. Claim 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motohashi and further in view of Kakehi (US Patent 6,594,494).

Regarding claim 8, Motohashi fails to disclose the operation condition information includes line quality information of the wireless communication apparatus.

Kakehi discloses the operation condition information includes line quality information of the wireless communication apparatus (see col.5 lines 20-30). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Motohashi with the above teaching of Kakehi in order to provide handing over between radio communications on the basis of the electric field corrected by the electric field correcting means.

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### Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

December 10, 2003

*Muti Conans*